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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,978	08/17/2001	Coral A. Petit-Roberts	CORSTONEI	4214

7590 10/27/2003

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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

8

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,978

Applicant(s)

PETIT-ROBERTS ET AL.

Examiner

Alicia Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

RESPONSE TO AMENDMENT

WITHDRAWN REJECTIONS

1. The 35 U.S.C. §112 and §102 rejections of record in paper #5, pages 2-5, paragraphs #2-6 have been withdrawn due to Applicant's amendments in paper #7.

NEW REJECTIONS

2. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 102

3. Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Cong et al. (5,789,032).

Le Cong discloses a rigid laminate material used as building materials for products such as counter tops, vanity tops, cabinet, wall panels and coverings, furniture and the like (col. 1, lines 12-15). The laminate material comprises a two-sided laminate configures wherein the peripheral portions thereof border a pan-like sunken portion on a side thereof (figure 3); and reinforcing material self-bonded (col. 3, line 57 to col. 4, line 19) to said laminate within said pan-shaped sunken portion, the reinforcing material being contained within the peripheral portion of the laminate (figure 4). The two-sided laminate has outer peripheral portions and interior peripheral portions bordering at least partially said pan-shaped sunken portions thereof (figures 3 and 4).

Le Cong discloses a rigid laminate material comprising a laminate having a top side and a reverse side, said reverse side comprising a pan-shaped sunken portion (figure 3) and a self-bonding reinforcing material (col. 3, line 57 to col. 4, line 19) applied to said pan-shaped sunken portion to bond thereto, the reinforcing material being contained within the pan-shaped portion of the laminate (figure 4).

Le Cong discloses a rigid laminate material comprising a laminate having a top side and a reverse side, said reverse side having raised edges (figure 3) and self bonding reinforcing material (col. 3, line 57 to col. 4, line 19) applied to said reverse side, the reinforcing material being contained within said edges of the laminate (figure 4).

4. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey (3,775,240).

Harvey discloses a rigid laminate material used as building materials. The laminate material comprises a two-sided laminate configures wherein the peripheral portions thereof border a pan-like sunken portion on a side thereof (figure 7); and reinforcing material self-bonded (col. 8, line 35 to col. 9, line 30) to said laminate within said pan-shaped sunken portion, the reinforcing material being contained within the peripheral portion of the laminate (figure 7). The two-sided laminate has outer peripheral portions and interior peripheral portions bordering at least partially said pan-shaped sunken portions thereof (figure 7).

Harvey discloses a rigid laminate material comprising a laminate having a top side and a reverse side, said reverse side comprising a pan-shaped sunken portion (figure 7) and a self-bonding reinforcing material (col. 8, line 35 to col. 9, line 30) applied to said pan-shaped sunken portion to bond thereto, the reinforcing material being contained within the pan-shaped portion

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of the laminate (figure 7). The laminated material has at least one interior opening extending completely through said rigid laminate (figure 7).

Harvey discloses a rigid laminate material comprising a laminate having a top side and a reverse side, said reverse side having raised edges (figure 7) and self bonding reinforcing material (col. 8, line 35 to col. 9, line 30) applied to said reverse side, the reinforcing material being contained within said edges of the laminate (figure 7). The rigid laminated material has at least one opening extending completely through said rigid laminated material and said laminate having edges raised from said reverse side bordering said opening (figure 7).

Claim Rejections - 35 USC § 103

5. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Le Cong et al. (5,789,032) in view of Brathwaite (4,814,220).

Le Cong discloses all the limitations of the instant claimed invention except for the two-sided laminate comprises an acrylic sheet.

Brathwaite discloses a countertops are generally made of acrylic compositions and are stain and chemical resistant and have the advantage that surface starches and marks can be sanded and polished out to leave no visible change in the color or texture of the surface (col. 1, lines 18-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use an acrylic sheet as the two-sided laminate of Le Cong as taught by Brathwaite because of the stain and chemical resistant properties of acrylic counter tops and acrylic have the advantage

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that surface starches and marks can be sanded and polished out to leave no visible change in the color or texture of the surface.

ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments in paper #7 regarding the 35 U.S.C. 112 and 102 rejections previously of record have been considered but are moot since the rejections have been withdrawn.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (703) 308-4251. The fax phone number for the organization official non-final papers is (703) 872-9306. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac
10/19/03



HAROLD PYON
SUPERVISORY PATENT EXAMINER

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10/20/03